

REMARKS

Claims 1-3 and 5-20 are pending in the present application. Claim 4 has been cancelled by way of this amendment.

Claim 1 has been amended to incorporate limitations from claim 4. Claim 4 has been cancelled. Claim 1, as amended, also incorporates a limitation ("planar") from claim 6. Claim 6 has been accordingly amended to remove the limitation.

The Examiner has rejected claims 1-3 and 8-13 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,094,190 to Kodim (hereinafter "Kodim").

Claim 1, as amended, requires that the core be "planar" and include a peripheral edge. Such a core contrasts with the controller for use as a ball-type device or as a mouse device for controlling a position indicator on a visual display as disclosed by Kodim. The Kodim device is designed to reduce the height of the device while maintaining an exposed part spheroid portion of a size and curvature that is comfortable for the user and discloses a controller in the form of a continuous membrane of elastomeric material stretched around in a wrinkle free manner a solid form keeping core held captive in a housing so that by applying finger pressure to the uppermost exposed part spheroid portion of the membrane, the membrane can slide on the core, to produce a corresponding output signal from one or more motion detectors. Kodim discloses a "thin walled envelope stretched around the form keeping core, to hold the thin walled envelope

in its deformed shape and being able to slide on the core to enable the user to rotate the part spheroid portion of the position controller around the centre of curvature of the centremost exposed region of the part spheroid portion” (see column 3, lines 48 -52). The envelope material of Kodim must be tear free, of low frictional resistance, through suitably small membrane thickness and minimal surface roughness (column 4, lines 5 to 8). In fact, the Kodim device includes a lubricant introduced between the elastomeric envelope and form keeping core so as to form a lubricating film between the outside of the of the form keeping core and the inside of the continuous thin walled envelope (column 4 lines 15 to 19). The provision, in Kodim, of an elastomeric envelope and core with lubricant is designed to be used to recreate the feel of a ball or mouse type device and certainly not a track wheel or scroll wheel.

As Kodim does not disclose or suggest a planar core, it is submitted that Kodim cannot anticipate claim 1. It is respectfully requested that the Examiner remove the rejection of claim 1, and claims 2, 3 and 8-13 dependent thereon, on that basis.

Claim 2 has been amended for clarity to add a definite article to the “sliding movement”.

Claim 5 has been amended to depend directly from claim 1.

Claim 7 has been amended to depend directly from claim 1.

The Examiner has rejected claims 4-7 and 14-20 under 35 USC § 103(a) as unpatentable over Kodim in view of US Patent No. 5,825,353 to Will (hereinafter “Will”).

To establish that any claim is obvious, the Examiner must identify: 1) all of the claimed elements in the prior art; 2) a reason or motivation to combine these elements to arrive at the claimed invention; and 3) a reasonable likelihood of success (see M.P.E.P. 2141).

Claim 14 has been amended in a manner that is similar to the manner in which claim 1 has been amended. That is, claim 14 has been amended to incorporate a limitation (“planar”) of claim 19 and limitations related to flexible track movement previously found in claim 4.

Claim 14, as amended, requires that an input generating device include a planar core and a flexible track slidably engaged with the core. The Examiner appears to cite Will merely to indicate that side mounted input generating devices are known. It is submitted that a combination of Kodim and Will would lead to a side mounted form-keeping core with a continuous membrane of elastomeric material stretched around, rather than the claimed device.

Since neither Kodim, nor Will, nor a combination of Kodim and Will disclose or suggest a flexible track slidably engaged with a planar core, the combination of Kodim and Will may not be used to reject claim 14 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 14, and the rejection of claims 15-20 dependent thereon, on that basis. Additionally, it is respectfully requested that the Examiner withdraw the rejection of claims 5-7, dependent on claim 1, on that basis.

In view of the foregoing, the applicant respectfully submits that claims 1-3 and 5-20 are now in condition for allowance. Favorable reconsideration and allowance of claims 1-3 and 5-20 are respectfully requested.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly
Registration No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com